

Chapter 28
Health & Sanitation

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Chapter 28
Health and Sanitation

Article I
Jurisdiction and Definitions

28.41 JURISDICTION

This Chapter shall apply to all territory embraced within the limits of McLean County as provided by law.

28.42 GENERAL DEFINITIONS

In addition to the definitions contained in the State of Illinois Private Sewage Disposal Licensing Act and Code, the Illinois Water Well Construction Code, the Illinois Water Well Pump Installation Code, and the Illinois Drinking Water Systems Code, the following general definitions shall apply to the following words or phrases when used within this Chapter:

Approved – acceptable to the Board of Health based upon its determination as to conformance with good public health practices and standards.

Board of Health – the Board of Health of the McLean County Health Department of the County of McLean, Illinois, or its authorized representatives.

Health Department – the McLean County Health Department.

Person – any individual, firm, partnership, company, corporation, trustee, association, or any public or private entity.

28.43 STATE OF ILLINOIS SPECIFICATIONS ADOPTED BY REFERENCE

In addition to those provisions set forth herein, this Chapter shall adopt by reference the specifications, including any subsequent amendments or revisions thereto, set forth in:

- (A) 77 Ill. Admin. Code 905.10 through 905.210 and appendices, also printed in Sections 905.10 through Section 905.210 and appendices of the State of Illinois, Illinois Department of Public Health, Publication entitled “Private Sewage Disposal Act and Code,” adopted 1996, and any subsequent amendments or revisions thereto.
- (B) the Illinois Department of Public Health Drinking Water Systems Code (77 Ill. Admin. Code 900);
- (C) the Illinois Department of Public Health Water Well Construction Code (77 Ill. Admin. Code 920); and
- (D) the Illinois Department of Public Health Water Well Pump Installation Code (77 Ill. Admin. Code 925).

28.43-1 Certified copies on file. Three certified copies of each shall be on file in the office of the McLean County clerk.

28.44 RESERVED

Article II
Private Sewage Disposal Systems

28.45 DEFINITIONS

In addition to the definitions contained in the State of Illinois Private Sewage Disposal Licensing Act and Code, the Illinois Water Well Construction Code, the Illinois Water Well Pump Installation Code, and the Illinois Drinking Water Systems Code, the following definitions shall apply to the following words or phrases when used within this Ordinance:

Bedroom – any room equipped with a closet that might reasonably be used as a sleeping room. A room that can be readily converted into a bedroom must be classified as a bedroom for the purposes of accurately sizing the private sewage disposal system. Rooms intended for use as kitchens, bathrooms, or laundry rooms, and rooms with large doorways or half walls such as family rooms and living rooms are excluded from the definition. (Added 10-17-00)

Homeowner – a person who holds legal title to a residential structure which is to be used for his personal, single family residence.

Homeowner Installed System – a private sewage disposal system installed by a homeowner for his personal, single family residence.

Installer – any person inspecting or evaluating existing operational private sewage disposal systems or installing, altering or repairing private sewage disposal systems and licensed by the Board of Health. This does not include the pumping of private sewage disposal systems. (Amended 10-21-86, 9-17-96, 10-16-01)

Installer's License – an annual license issued by the Board of Health to all qualified private sewage disposal system installers. (Amended 10-21-86)

Permit – a Permit to Construct a Private Sewage Disposal System.

Permit to Construct a Private Sewage Disposal System – a written permit issued by the Board of Health to install, alter or repair a private sewage disposal system.

Private Sewage Disposal System – any sewage handling or treatment facility receiving domestic sewage from less than 15 people or population equivalents and having a ground surface discharge, or any sewage handling or treatment facility receiving domestic sewage and having no ground surface discharge. (Amended 9-16-97)

Property Line – that property line of a lot upon which a dwelling exists or may be lawfully constructed; except that where any portion of the lot that extends into the abutting street or alley, the lot line shall be deemed to be the abutting street or alley right-of-way line.

Pumper – any person pumping private sewage disposal systems, including portable toilets, and licensed by the Board of Health. (Amended 10-21-86, 9-17-96, 10-17-00)

Pumper's License – an annual license issued by the Board of Health to all qualified private sewage disposal system pumpers. (Amended 10-21-86)

28.46 SEWAGE DISPOSAL SYSTEM REQUIREMENT

Property owners of all buildings and places where people live, work, or assemble shall provide for the sanitary disposal of domestic sewage.

28.47 RESERVED

28.48 ACCESS TO PROPERTY

The Board of Health shall have the authority to enter any property or building at any reasonable time to inspect for health and sanitation purposes and make the necessary tests including, but not limited to, dye tests on any private sewage disposal system to determine compliance with this Ordinance.

28.49 OPERATIONAL INSPECTIONS OR EVALUATIONS

Only a McLean County Licensed Installer or authorized representative of the Board of Health may conduct an inspection/evaluation of an existing operational private sewage disposal system.

- (A) These inspections or evaluations must be completed using forms provided by the Health Department.
- (B) After the inspection/evaluation, the form shall be completed. A copy shall be given to the client and an additional copy shall be given to the Health Department. (Added 10-16-01)

28.50 INSANITARY CONDITIONS

A person who owns property upon which a private sewage disposal system is located shall:

- (A) Not allow or permit to allow domestic sewage to gain access to the ground surface except as provided in this Ordinance:
- (B) Not allow or permit to allow domestic sewage to gain access to either used or abandoned wells, the aquifer, field drain tiles, basements or other underground areas accessible to humans; and
- (C) Not allow or permit to allow domestic sewage to gain access to any area above ground or underground beyond the property owned by said person. (Amended 10-19-93, 9-16-97)

28.51 AEROBIC TREATMENT PLANTS

Aerobic treatment plants installed in McLean County shall be listed by NSF for Class I effluent (BOD 5-30 mg/l and Suspended Solids 30 mg/l) and shall discharge to one of the following secondary treatment units:

- (A) A subsurface seepage system designed and constructed in accordance with the requirements of the Illinois Department of Public Health Private Sewage Disposal Licensing Act and Code. The size of the seepage system shall be determined by soil percolation tests and/or comparable soil classification information and shall be equal in size to a seepage system installed to serve a conventional septic tank installation at the same site.
- (B) A sand filter designed and constructed in accordance with the requirements of the Illinois Department of Public Health Private Sewage Disposal Licensing Act and Code. The size of the sand filter shall be at least one-half the size of a sand filter installed to serve a conventional septic tank installation at the same site.

28.52 GRAVEL-LESS SEEPAGE FIELD REQUIREMENTS

When gravel-less seepage field tubing is installed, the number of linear feet of tubing shall be determined by soil percolation tests and/or comparable soil classification information.

- (A) The total number of linear feet of 10 inch internal diameter tubing shall be no less than the total square feet required of a comparable conventional gravel subsurface seepage system installed at the same site using the same percolation information.

- (B) The total number of linear feet of 8-inch internal diameter tubing shall be 1 1/3 times the total square feet required of a comparable conventional gravel subsurface seepage system installed at the same site using the same percolation information.
- (C) If other than 8 or 10 internal diameter tubing is proposed for installation, the Board of Health shall determine the amount of linear feet of tubing to be installed. (Amended 7-19-94)

28.53 GRAVEL-LESS CHAMBER TYPE SEEPAGE FIELD REQUIREMENTS

When gravel-less chamber sections are installed, the number of lineal feet of chamber shall be determined by soil percolation and/or comparable soil classification information.

A chamber type system is required to produce the equivalent amount of soil absorption area as a comparable conventional gravel system installed at the same site using the same soil absorption information.

Use the following steps to size a chamber type system:

- (A) Calculate the number of lineal feet of a 3 feet wide conventional gravel trench required based upon the soil absorption rate information for the site.
- (B) Calculate the number of square feet of soil absorption area provided per lineal foot by the proposed chamber units using the following formula:

$$\frac{W}{12} = X$$

W = the width of the bottom of the chamber in inches

X = the total square feet of absorption area per lineal feet of chamber unit proposed for the installation.

- (C) Divide 3 by the value of "X." This will produce the multiplier "Y" that will be used in step D.
- (D) Multiply the lineal feet figure from step A by the value of "Y" from step C. This produces the lineal feet of chamber units required for the installation. (Added 10-16-01, Amended 07-18-06)

When gravel-less chamber type systems are installed an inspection port shall be installed on each trench lateral to allow inspections to be made to determine the operating condition of the system. The inspection port shall be located approximately in the middle of each lateral. A solid concrete pad or block shall be placed beneath each inspection port to ensure a solid trench bottom surface so an accurate effluent depth can be determined during the inspection process. The top surface of the pads or blocks shall be level with the trench bottom. (Added 10-21-03)

28.54 SUBSURFACE SEEPAGE SYSTEMS

A minimum of 300 square feet of seepage area shall be provided for any individual system. (Amended 7-19-94)

28.55 HORIZONTAL GEOTHERMAL EXCHANGE SYSTEM SETBACK

In order to protect the sewage disposal system and the horizontal geothermal exchange system, there shall be a minimum set back of fifteen feet between the systems. (Added 10-16-01, Amended 11-19-02)

28.56 PERMIT REQUIREMENT

It shall be unlawful for any person to install, alter, or repair any private sewage disposal system in McLean County without first having obtained a Permit to Construct a Private Sewage Disposal System from the Board of Health.

28.57 APPLICATION FOR PERMIT

Applications for a permit shall be in writing and in such form as provided by the Board of Health. Every such application shall be completed and signed by the homeowner or property owner and the installer, except as provided in Section 28.61 (A).

28.57-1 Plan requirement. The application shall be accompanied by a plan showing the location of all wells, lakes, ponds, or streams on the applicant's property and on neighboring property, if they are within 100 feet of any part of the proposed private sewage disposal system. If the proposed system is to serve new or remodeled residential construction, a floor plan must be provided. Existing structures, septic tanks, subsurface seepage systems, grease traps, cesspools, privies, sewers, and drainage tiles must be included in the plan. Homes being built for speculation purposes must have the septic tank sized to accommodate a garbage disposal unit.

The Health Department shall approve or reject each application for a permit for the construction and use of any individual sewage disposal system within ten (10) working days of receipt of the last item of information required to be submitted by the applicant under terms of this Ordinance. (Amended 10-17-00)

28.57-2 Additional requirements. Prior to the issuance of a permit, the Board of Health, at its discretion, may require additional ground water information, percolation tests, and/or inspect the property.

28.58 RESERVED

28.59 APPROVAL OF PERMIT

If upon receipt of the application the Board of Health finds that the requirements of this Ordinance have been satisfied, the permit shall be issued.

- (A) The permit is valid for a period of 12 months from the date of issuance.
- (B) If construction of the structure for which the permit was issued has not been started within this period, the permit is void and a new permit will be required.
- (C) Any modification from the submitted plan approved with the permit application must be submitted to the Health Department in writing before construction begins. (Amended 10-16-01)

28.60 PERMIT FEE

The non-refundable permit application fees for the following private sewage disposal systems or components of systems are:

- | | |
|--|----------|
| (A) Septic tank or Imhoff Tank | \$ 76.00 |
| (B) Aerobic treatment plant | \$ 76.00 |
| (C) 1. Subsurface seepage field | \$112.00 |
| 2. Seepage bed | \$112.00 |
| 3. Sand filter (buried or recirculating) | \$112.00 |
| 4. Waste stabilization pond | \$112.00 |
| 5. 8" or 10" gravel-less seepage field | \$112.00 |
| 6. Chamber systems | \$112.00 |

(D)	Treatment unit(s) and waste stabilization pond.	\$149.00
(E)	Privies, chemical toilet, recirculating toilet, incinerator toilet, compost toilet	\$149.00
(F)	Private Sewage Mound (77 Ill. Adm. Code 906)	\$149.00
(G)	Holding Tank(s)	\$149.00
(H)	Dump Station	\$149.00
(I)	Any other system for which a variance in accordance with Section 28.60, of this Ordinance has been issued.	\$149.00

(Entire section amended 10-21-86, 12-15-87, 10-19-93, 9-20-94, 9-19-95, 9-17-97, 10-20-98, 9-14-99, 10-17-00, 10-16-01, 11-19-02, 10-21-03, 11-16-04, 11-15-05, 11-21-06)

28.60-1 LICENSE FEES

The non-refundable fees for the following licenses are:

(A)	Installer license	\$214.00
(B)	Pumper license	\$214.00

(Section added 11-19-96, Amended 9-16-97, 10-20-98, 9-14-99, 10-17-00, 10-16-01, 11-19-02, 10-21-03, 11-16-04, 11-15-05, 11-21-06)

28.60-2 FIRST TIME LICENSE FEE

The fee for a first time license for an individual shall be increased by 40%. This surcharge will cover the expense of providing the education and testing requirements and for completing the paperwork and file set up costs. This fee is applicable to reissuance of a revoked license or a license that was not renewed due to enforcement action. (Added 10-16-01)

28.61 INSPECTIONS

Before any back filling is started, but after complete installation, alternation or repair of the system, an inspection shall be made by the Board of Health to determine if full compliance of the Ordinance has been met. If it is found that the permit holder or installer has violated any provisions hereof, the Board of Health shall make any necessary recommendations for reconstruction so that the intent and purpose of this Ordinance is satisfied. (Amended 7-19-94)

28.61-1 INSTALLER PRESENT

The McLean County licensed septic system installer that completed the work for the installation, alteration or repair of the septic system shall be present at the time of inspection of the system by the Board of Health. (Added 10-16-01)

28.62 VARIANCES

The Board of Health may grant variances to this Ordinance based upon evidence presented to it in each variance request, provided the granting of the variance:

- (A) will not be detrimental to the public welfare;

- (B) will not be injurious to other property or improvement in the neighborhood; and
- (C) will not diminish or impair property values within the neighborhood

28.62-1 Effect upon other properties. The Board of Health may require such conditions and restrictions upon the premises benefited by a variance as may be necessary to reduce or minimize the effect of such variance upon other properties in the neighborhood and to better carry out the general intent of this Ordinance.

28.63 INSTALLER LICENSING

No person may perform the duties of an installer in McLean County who has not obtained an installer's license approved by the Board of Health.

- (A) The Board of Health shall approve an installer's license to persons who comply with Section 28.63-1 of this Ordinance.
- (B) A homeowner may install, alter or repair his own private sewage disposal system without a license if he can comply with the Illinois Department of Public Health, Private Sewage Disposal Licensing Act and Code, as adopted in Section 28.43 of this Ordinance and the structure is not being built for the purpose of sale or speculation.

28.63-1 Conditions of licensure.

- (A) The application for a license shall be furnished by the Board of Health and completed by the applicant.
- (B) The applicant who is actively engaged in the installation, alteration or repair of private sewage disposal systems shall demonstrate his knowledge of the McLean County Private Sewage Disposal System Ordinance by obtaining a minimum score of 80 percent on a written test. All licensed installers will be retested every three years. (Amended 1-17-89, 10-17-00)
- (C) If additional tests are required before the applicant attains a minimum passing score of 80, a fee of \$50.00 per test will be charged. This \$50.00 fee is payable before each retest. (Added 10-16-01)
- (D) The license will expire on December 31st of the year of issue and must be renewed annually. If the license is not renewed by April 1st of the year following the year of issue, the applicant shall be retested. (Amended 10-16-01)
- (E) A licensing fee shall be paid to the Board of Health when the application is submitted for approval or renewal. (Amended 10-21-86, 1-17-89, 10-19-93, 9-19-95, 11-19-96)

28.64 PUMPER LICENSING

No person may perform the duties of a pumper in McLean County who has not obtained a pumper's license issued by the Board of Health.

- (A) The Board of Health shall approve a pumper's license for persons who comply with Section 28.62-1 of this Ordinance.
- (B) A homeowner may pump his own private sewage disposal system without a license if he can comply with the Illinois Department of Public Health, Private Sewage Disposal Licensing Act and Code, as adopted in Section 28.43 (A) of this Ordinance. (Amended 10-21-86, 1-17-89)

28.64-1 Conditions of licensure.

- (A) The application for license shall be furnished by the Board of Health and completed by the applicant.

- (B) The applicant shall annually present his pumper truck at the Health Department office for inspection. The truck must meet the standards set forth in the Illinois Department of Public Health, Private Sewage Disposal Licensing Act and Code, as adopted in Section 28.43 (A) of this Ordinance.
- (C) The applicant who is actively engaged in the pumping of private sewage disposal systems shall demonstrate his knowledge of the McLean County Sewage Disposal System Ordinance by obtaining a minimum score of 80 percent on a written test. All licensed pumpers will be retested every three years. (Amended 10-21-86, 1-17-89, 10-17-00)
- (D) If additional tests are required before the applicant attains a minimum passing score of 80, a fee of \$50.00 per test will be charged. This \$50.00 fee is payable before each retest. (Added 10-16-01)
- (E) The license shall expire on December 31 of the year of issue and must be renewed annually. (Amended 10-16-01)
- (F) A license fee shall be paid to the Board of Health when the application is submitted for approval or renewal. (Amended 10-21-86, 1-17-89, 10-19-93, 9-19-95, 11-19-96)

28.65 UNLICENSED INSTALLERS AND PUMPER

Any person found performing the duties of an installer or pumper in McLean County without an installer's or pumper's license, except as provided in this Article, shall be punished as provided in Section 28.103 of this Ordinance. (Amended 10-16-01)

28.66 REPEAL AND DATE OF EFFECT

This Ordinance shall be in full force and effect immediately on its adoption as provided by law; and the McLean County Sewage Disposal Resolution adopted April 8, 1975, by the County Board of McLean County, Illinois, is hereby repealed.

28.67--28.68 RESERVED

Adopted July 20, 1982.

(Amended 10-21-86, 12-15-87, 1-17-89, 10-19-93, 7-19-94, 9-20-94, 9-19-95, 9-17-96, 11-19-96, 9-16-97, 10-20-98, 9-14-99, 10-17-00, 10-16-01, 11-19-02, 10-21-03, 11-16-04, 11-15-05)

Article III Water Wells

28.69 DEFINITIONS

In addition to the definitions contained in the State of Illinois Private Sewage Disposal Licensing Act and Code, the Illinois Water Well Construction Code, the Illinois Water Well Pump Installation Code, and the Illinois Drinking Water Systems Code, the following definitions shall apply to the following words or phrases when used within this Ordinance:

Community Water System – a public water system which serves at least 15 service connections used by residents or regularly serves at least 25 residents at least 60 days a year.

Holding Tank System – a water supply system consisting solely of a water storage tank used to hold water that is obtained from another source.

Non-Community Water System – a public water system that is not a community water system, that has at least 15 service connections used by non-residents, or regularly serves 25 or more non-resident individuals daily for at least 60 days a year.

Public Water System – a system for the provision to the public of piped water for human consumption, if the system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days per year. The term Public Water System includes any collection, treatment, storage and distribution facilities under control of the operator of such system and used primarily in connection with such system and any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system.

Semi-Private Water System – a water supply which is not a public water system, yet which serves a segment of the public other than an owner-occupied single family dwelling.

Water Well – any excavation that is drilled, cored, bored, driven, dug or otherwise constructed for the division, artificial recharge or acquisition of ground water, but does not include wells for the purpose of obtaining or prospecting for oil, natural gas, minerals or products or mining or quarry or for inserting media to repressure oil or natural gas bearing formations or for storing petroleum products, or monitoring wells.

28.70 PUBLIC WATER SUPPLY USE

The Board of Health may refuse to grant a permit for the installation or deepening of a water well where a public or community water system is available. The governing authority of the public or community system shall determine in accordance with its local codes or regulations when the public or community system is available and if connection to the public or community system is required.

28.71 LICENSING OF WELL DRILLERS AND PUMP INSTALLERS

All individuals who construct water wells and install well pumps shall be licensed by the Illinois Department of Public Health in accordance with the Water Well and Pump Installation Contractor's License Act, 225 ILCS 345/1 et seq.

28.72 WATER SUPPLY LOCATION, CONSTRUCTION AND REPAIR

Except as otherwise herein provided, the location, construction, repair and disinfection of water wells, and the installation of water well pumps, shall be in accordance with the requirements set forth by the Illinois Department of Public Health Illinois Water Well Construction Code (77 Ill. Admin. Code 920) and Illinois Water Well Pump Installation Code (77 Ill. Admin. Code 925). Wells that are abandoned shall be sealed in a manner prescribed by the Illinois Water Well Construction Code.

28.73 DISINFECTION AND ANALYSIS OF SEMI-PRIVATE WATER SYSTEMS

Owners of newly constructed wells or other types of water supplies which supply a semi-private water system shall have the water from their semi-private water supply analyzed and approved by either the laboratory of the Illinois Department of Public Health or a laboratory approved by the Illinois Department of Public Health before the well or other water supply is placed into service. A copy of the analysis shall be filed with the Board of Health. The water obtained from a surface supply shall meet the nitrate, turbidity, and bacteriological requirements contained in Sections 900.50, 900.60 and 900.70 of the Illinois Department of Public Health Drinking Water Systems Code (77 Ill. Admin. Code 900), and the water obtained from a well shall meet the nitrate and bacteriological requirements of Section 900.50 and 900.70 of the Drinking Water Systems Code.

28.74 PERMIT REQUIREMENT

No water well shall be constructed or deepened in this County, except in accordance with these regulations, and it shall be unlawful to proceed with the construction or deepening of a water well without first obtaining a permit from the Board of Health.

28.74-1 Additional requirement for non-community public water systems. A non-community public water supply shall not be constructed without first obtaining a permit from the Illinois Department of Public Health.

28.74-2 Exemptions. This requirement for a permit shall not be applicable to wells intended to serve community public water supply systems, monitoring wells, and to holding tank systems.

28.75 APPLICATION FOR PERMIT

Applications for permits shall be in writing and in such form that shall be prescribed by the Board of Health. Every such application shall be completed and signed by the installer.

- (A) The application shall be accompanied by a plan showing the location of all existing structures, septic tanks, subsurface seepage systems, cesspools, privies, sewers, other wells, lakes, ponds or streams on the applicant's property and on neighboring property, if they are within 200 feet of the proposed water well.
- (B) Prior to the issuance of a permit, the Board of Health, at its discretion, may require additional information, and/or inspect the property. (Amended 10-16-01)

28.76 PERMIT FEE

Each application for the construction or deepening of a well shall be accompanied by a permit fee of \$100.00 payable to the McLean County Health Department. This fee shall not be refundable in the event that an individual decides not to construct or deepen the water well. (Amended 10-16-01)

28.77 APPROVAL OF PERMIT

If upon receipt of the application and permit fee the Board of Health finds that the requirements of this Ordinance have been satisfied, the permit shall be issued.

- (A) The permit is valid for a period of 12 months from the date of issuance.
- (B) If construction or deepening of the water well has not been started within this period, the permit is void.
- (C) Any modification from the submitted plan approved with the permit application must be submitted to this office in writing before construction begins. (Amended 10-16-01)

28.78 RESERVED

28.79 INSPECTIONS

The Board of Health shall be notified by telephone or in writing at least 48 hours prior to the commencement of any work to construct or deepen a water well for which a permit has been issued or to seal a water well, boring, or monitoring well.

28.79-1 Access to property. The Board of Health shall be allowed access to any property for the purpose of performing an inspection of the water well construction or to inspect the sealing of wells or to investigate abandoned wells.

28.79-2 Recommendations. If it is found that the permit holder or licensed contractor has violated any provisions hereof, the Board of Health shall make any necessary recommendations for reconstruction so that the intent and purpose of this Ordinance is satisfied.

28.80 – 28.82 RESERVED

28.83 DATE OF EFFECT

This Ordinance shall be in full force and effect immediately on its adoption as provided by law.
Adopted November 20, 1990, Amended 10-16-01

Article IV
GEOHERMAL EXCHANGE SYSTEMS

28.84 DEFINITIONS

Geothermal exchange system – a sealed, watertight loop of pipe buried outside of a building foundation, which is intended to recirculate a liquid solution through a heat exchanger. This includes but is not limited to vertical loop, horizontal loop and body of water loop systems.

Geothermal exchange system contractor – any individual who installs geothermal exchange systems except a geothermal exchange system excavator

Geothermal exchange system excavator– any individual who excavates for the purpose of installing a geothermal exchange system this includes but is not limited to drilling, boring, jetting, or digging.

28.85 REGISTRATION REQUIREMENT

No geothermal exchange system shall be constructed or modified in McLean County, except in accordance with these regulations, and it shall be unlawful to proceed with the construction or modification of a geothermal exchange system without first registering the location and type of geothermal exchange system with the Board of Health.

28.85-1 EXEMPTION

Geothermal exchange systems installed within the corporate limits of a municipality shall be exempt from the registration requirement of the ordinance provided the municipality has a geothermal exchange system permitting or registration process in place.

28.86 SEPTIC SYSTEM SETBACK

In order to protect the sewage disposal system and a horizontal geothermal exchange system; there shall be a minimum set back of fifteen feet between the systems.
(Amended 11-19-02)

28.87 APPLICATION FOR REGISTRATION

Application for registration for a geothermal exchange system shall be in writing and in such form that shall be prescribed by the Board of Health. Every application shall be signed by the geothermal exchange system contractor.

- (A) The application shall be accompanied by a plan showing the location of all existing structures, wells, septic tanks, secondary sewage treatment units, cesspools, privies, sewers, lakes, ponds or streams on the applicant's property and on neighboring properties, if they are within 200 feet of the proposed geothermal exchange systems(s).
- (B) Prior to the approval of the registration, the Board of Health, at its discretion, may require additional information, and/or inspect the property and neighboring properties.

28.88 PLAN REVIEW AND INSPECTION FEE

Each application for the registration of a geothermal exchange system shall be accompanied by a fee of \$100.00 payable to the McLean County Health Department. This fee shall not be refundable in the event that an individual decides not to construct or modify the geothermal exchange system.

28.89 APPROVAL OF REGISTRATION

If upon receipt of the application and fee the Board of Health finds that the requirements of this Ordinance have been satisfied, the registration shall be issued.

- (A) The registration is valid for a period of 12 months from the date of issuance.
- (B) If construction or modification of the geothermal exchange system has not started within this period, the registration is void.
- (C) Any modification from the submitted plan approved with the registration application must be submitted to this office in writing before construction begins.

28.90 REGISTRATION OF GEOTHERMAL EXCHANGE SYSTEM CONTRACTORS AND EXCAVATORS

All individuals who install or excavate geothermal exchange system in this County shall be registered annually with the Board of Health. A registration fee of \$50.00 shall accompany the registration application. The registration shall expire on December 31st of the year of issue.

28.90-1 FIRST TIME REGISTRATION FEE

The fee for a first time registration for an individual shall be increased by 40%. This surcharge will cover the expense of providing the education and training requirements and for completing the paperwork and file set up costs.

28.91 INSPECTIONS

The Board of Health shall be notified by telephone or in writing at least 24 hours prior to the commencement of any work to construct or modify a geothermal exchange system for which a registration has been issued or to seal a geothermal exchange system.

Before grouting and back filling is started, an inspection shall be made by the Board of Health to determine if full compliance of the Ordinance has been met.

28.92 DATE OF EFFECT

This Ordinance shall be in full force and effect immediately on its adoption as provided by law.

28.93–28.94 RESERVED

Adopted October 16, 2001.
(Amended 11-19-02)

Article V
Enforcement Provisions

28.95 SUSPENSION, REVOCATION OR REFUSAL TO RENEW

For serious or repeated violations of any provisions of this Ordinance or for interference with the Board of Health in performance of its duties, the Board of Health may suspend, revoke or refuse to renew any license or registration.

- (A) Prior to such action, the Board of Health shall notify the licensee or registrant in writing, stating the reason for which the license or registration is subject to suspension, revocation or non-renewal.
- (B) The Board of Health may provide an opportunity for a pre-hearing conference in order for the licensee or registrant to show cause why the Board of Health should not proceed with license or registration suspension, revocation or non-renewal.

- (C) Should the Board of Health proceed with license or registration suspension, revocation or non-renewal, the Board of Health shall notify the licensee or registrant that the license or registration is suspended, revoked, or not renewed five (5) days following the serving of said notice.
- (D) Such suspension, revocation or non-renewal shall then be effective unless a request for a hearing is filed with the Board of Health by the licensee or registrant within such five-(5) day period.

28.96 REVOCATION

If after the permit or registration has been issued, the Board of Health finds that the information submitted on the application was falsified or inaccurate, or if the violations found during the inspection are not corrected, or if the Board of Health is interfered with in performance of its duties, the permit or registration may be revoked. Prior to such action, the Board of Health shall notify the permit or registration holder in writing, stating the reason for which the permit or registration is subject to revocation.

- (A) The Board of Health may provide an opportunity for a pre-hearing conference in order for the permit or registration holder to show cause why the Board of Health shall not proceed with permit or registration revocation.
- (B) Should the Board of Health proceed with permit or registration revocation, the Board of Health shall so notify the permit or registration holder that the permit is revoked five (5) days following the serving of said notice.
- (C) Such revocation shall then be effective unless a request for a hearing is filed with the Board of Health by the permit or registration holder within such five- (5) day period.

28.97 RESERVED

28.98 ISSUANCE OF NOTICE

Whenever the Board of Health determines that a violation of any provision of this Ordinance has occurred, the Board of Health shall give notice to the person responsible for such violation.

- (A) Notices provided for under this section shall be deemed to have been properly served when a written notice has been delivered personally to the person responsible, or such notice has been sent by registered or certified mail, return receipt requested, to the last known address of the person.
- (B) A copy of such notice shall be filed with the records of the Board of Health.

28.99 HEARINGS

The hearings provided for in this Ordinance shall be conducted by a quorum of the members of the Board of Health at a time and place designated by the Board within thirty (30) days of the date on which the written request was filed.

28.99-1 Notification. The petitioner for the hearing shall be notified of the time and place of the hearing not less than five (5) days prior to the date on which the hearing is to be held.

28.99-2 Findings. Based upon the record of such hearing, the Board of Health shall make a finding and shall sustain, modify or rescind any official notice or order considered in the hearing.

28.99-3 Written report. A written report of the hearing decision shall be furnished either personally or by certified mail to petitioner by the Board of Health.

28.100 EMERGENCIES

Whenever the Board of Health finds that an emergency regarding a violation of this Ordinance exists, which requires immediate action to protect the public health, it may, without any administrative procedure and without notice or hearing, bring action for temporary injunction to require that such action be taken as the court may deem necessary to meet the emergency.

- (A) Notwithstanding any other provision in this Ordinance, such order shall be effective immediately.
- (B) Such action shall be brought by the State's Attorney of McLean County.
- (C) When, in the opinion of the Board of Health, the emergency conditions are abated, the Board of Health may request that the temporary injunction be canceled.

28.101 RESERVED

28.102 ADMINISTRATIVE REVIEW

Any person, firm or corporation affected by the decisions, rules or regulations of the Board of Health of McLean County, Illinois, may have the decisions of said Board of Health reviewed in the Circuit Court of McLean County, Illinois. The provisions of the "Administrative Review Act" of the State of Illinois approved May 8, 1945, and enacted by the General Assembly of the State of Illinois and all amendments and modifications thereof, and the rules adopted pursuant thereto shall apply to and govern all proceedings for the judicial review of final administrative decisions of the said Board of Health. The term "Administrative Decisions" is defined in Section 1 of said "Administrative Review Act."

28.103 PENALTIES

Any person who shall violate any of the provisions of Article I Section 28.43 (A) or Article II of this Ordinance shall be guilty of a Class A misdemeanor, shall be fined a sum not less than \$100.00. Each day's violation constitutes a separate offense. In addition, the State's Attorney may bring action for an injunction to restrain such violation, or to enjoin the operation of any such establishment.

Any person who shall violate any of the provisions of Article I Section 28.43 (B) or (C) or (D), Article III or Article IV of this ordinance shall be issued an order to remedy such violations. The order shall specify the violations and the date by which they shall be remedied. Failure of the person to remedy the violations by the date specified in the order shall constitute a business offense punishable by a fine not to exceed \$750.00, with each day subsequent to such date that the violations remain uncorrected as a separate offense.

28.104 DATE OF EFFECT

This Ordinance shall be in full force and effect immediately on its adoption as provided by law.

28.105 SEVERABILITY

The clauses, sentences, paragraphs, sections, articles and parts of this Ordinance are separable. If any clause, sentence, paragraph, section, article or part of this Ordinance shall for any reason be adjudged invalid by any court of appropriate jurisdiction, such judgement shall not affect, impair or invalidate the remainder thereof.

28.106 – 28.107 RESERVED

Adopted October 16, 2001

Code renumbered 10-16-01

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